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10/805,144

03/19/2004

Peter J. Kennedy

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09/30/2008

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EXAMINER

YUN, EUGENE

ART UNIT

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2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/805,144	<b>Applicant(s)</b> KENNEDY, PETER J.	
	<b>Examiner</b> EUGENE YUN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 24-33, 49-52 and 65-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 24-33, 49-52 and 65-86 is/are rejected.
- 7) ☒ Claim(s) 78 and 85 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/1/2008 has been entered.

### ***Claim Objections***

2. Claims 78 and 85 are objected to because of the following informalities: Claim 78 is listed twice. The examiner will temporarily examine the claims as 78A, 78B, 85A, and 85B. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-10, 24-33, 49-52 and 65-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amin et al. (US 7,171,221) in view of Shaffer et al. (US 6,477,374).

Referring to Claim 1, Amin teaches a device to configure telephone services, the device comprising:

A signal detecting circuit (see col. 3, lines 10-12);

A control circuit coupled to the signal detecting circuit to determine whether or not a first phone and a second phone are positioned with respect to each other according to a relation (see col. 4, lines 31-39); and

A call forwarding configuring circuit coupled to the control circuit, the control circuit causing the call forwarding configuring circuit to configure a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned with respect to each other according to the relation (see col. 3, lines 61-63).

Amin does not teach the call forwarding configuring circuit to configure a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned with respect to each other according to the relation and in response to the current time. Shaffer teaches the call forwarding configuring circuit to configure a call forwarding service of the first phone (see the last 2 lines of ABSTRACT which state the call forwarding based on the calendar) in response to a change in whether or not the first phone and the second phone are positioned with respect to each other according to the relation and in response to the current time (see col. 3, lines 2-7 noting that the calendar is based on the location and current time).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Shaffer to said device of Amin in order to more efficiently screen for unwanted calls.

Referring to Claim 24, Amin teaches a method to configure telephone services, the method comprising:

Detecting whether or not a first phone and a second phone are positioned in a close relation with respect to each other (see col. 4, lines 31-39); and

Automatically configuring a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned in close relation with respect to each other (see col. 3, lines 61-63).

Amin does not teach configuring the call forwarded service also in response to the current time. Shaffer teaches configuring the call forwarded service (see the last 2 lines of ABSTRACT which state the call forwarding based on the calendar) also in response to the current time (see col. 3, lines 2-7 noting that the calendar is based on the location and current time). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Shaffer to said device of Amin in order to more efficiently screen for unwanted calls.

Referring to Claim 49, Amin teaches a machine readable medium containing executable computer program instructions which when executed by a data processing system cause said system to perform a method to configure telephone services, the method comprising:

determining whether or not a first phone and a second phone are positioned in a close relation (see col. 4, lines 31-39); and

automatically configuring a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned in the close relation (see col. 3, lines 61-63).

Amin does not teach automatically configuring a call forwarding service of the first phone in response to a change in whether or not the first phone and the second phone are positioned in the close relation and in response to the current time. Shaffer teaches automatically configuring a call forwarding service of the first phone (see the last 2 lines of ABSTRACT which state the call forwarding based on the calendar) in response to a change in whether or not the first phone and the second phone are positioned in the close relation and in response to the current time (see col. 3, lines 2-7 noting that the calendar is based on the location and current time). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Shaffer to said device of Amin in order to more efficiently screen for unwanted calls.

Referring to Claim 2, Amin also teaches a dialing circuit, the control circuit causing the dialing circuit to dial a sequence to configure the call forwarding service of the first phone in response to the change in whether or not the first phone and the second phone are positioned with respect to each other according to the relation (see col. 7, lines 38-46).

Referring to Claims 3 and 26, Amin also teaches a sequence dialed to start forwarding calls of the first phone to the second phone when the first phone and the

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second phone are positioned with respect to each other according to the relation (see col. 4, lines 31-39).

Referring to Claims 4 and 27, Amin also teaches the sequence dialed to stop forwarding calls of the first phone to the second phone when the first phone and the second phone are not positioned with respect to each other according to the relation (see col. 6, lines 58-62).

Referring to Claims 5 and 28, Amin also teaches a sequence dialed to start forwarding calls of the first phone to the second phone when the first phone and the second phone are not positioned with respect to each other according to the relation (see col. 6, lines 23-32).

Referring to Claims 6 and 29, Amin also teaches a sequence dialed to stop forwarding calls of the first phone to the second phone when the first phone and the second phone are positioned with respect to each other according to the relation (see col. 6, lines 58-62).

Referring to Claim 7, Amin also teaches the first phone and the second phone are positioned with respect to each other according to the relation when the signal detecting circuit detects signals from the second phone (see col. 4, lines 31-39).

Referring to Claim 8, Amin also teaches the signals from the second phone as one of: signals transmitted through a wire connecting the second phone and the device; infrared signals; radio signals for Wireless Personal Area Networks; and radio signals for Wireless Local Area Networking (see col. 4, lines 5-15).

Referring to Claim 9, Amin also teaches the device sharing at least a portion of the dialing circuit with the first phone (see col. 6, lines 23-32).

Referring to Claim 10, Amin also teaches the device separate from the first phone, and the device connected to the phone line of the first phone (see col. 4, lines 5-15).

Referring to Claim 25, Amin also teaches automatically configuring a call forwarding service of the second phone in response to the change (see col. 7, lines 38-46).

Referring to Claim 30, Amin also teaches the first and second phone positioned in close relation with respect to each other when the first phone and the second phone are in radio communication (see col. 4, lines 31-39).

Referring to Claim 32, Amin also teaches the first phone and second phone positioned in the close relation with respect to each other when one of the first phone and second is connected to a control device with one of: a wired link; an infrared link; and a low power radio link (see col. 4, lines 5-15).

Referring to Claim 33, Amin also teaches the control device as one of: integrated within one of the first phone and the second phone; and co-located with one of the first phone and the second phone (see col. 4, lines 5-15).



Referring to Claim 50, Amin also teaches the first phone and second positioned in the close relation when a communication link between the first phone and the second phone is established (see col. 2, lines 21-32).

Referring to Claims 31 and 51, Amin also teaches the communication link in accordance with one of IEEE 802.11 and IEEE 802.15 (see col. 4, lines 5-15).

Referring to Claim 52, Amin also teaches the first phone and the second phone positioned in the close relation when a communication link between the first phone and a control device is established; wherein the control device is one: of integrated within a second phone; co-located with the second phone; and connected to a phone line of the second phone (see col. 4, lines 5-15).

Referring to Claim 65, Amin also teaches automatically stop forwarding calls of the first phone to the second phone while the second phone is on a call (see col. 6, lines 58-62).

Referring to Claim 66, Amin also teaches automatically using the first phone as a cordless handset for the second phone while the first phone and the second phone are positioned in the close relation with respect to each other (see col. 4, lines 5-15).

Referring to Claim 67, Amin also teaches the automatically configuring the call forwarding service of the first phone further comprises not configuring the call forwarding service in response to a user input (see col. 6, lines 58-62).

Referring to Claim 68, Amin also teaches detecting whether or not the first phone and a configurable device are positioned in the close relation with respect to each other;

and automatically configuring the configurable device in response to a change in whether or not the first phone and the configurable device are positioned in the close relation with respect to each other (see col. 4, lines 31-39).

Referring to Claim 69, Shaffer also teaches the configurable device is an automobile and wherein automatically configuring the configurable device comprises adjusting at least one of a mirror position and a seat position and an other setting of a driver (see col. 9, lines 30-44).

Referring to Claim 70, Shaffer also teaches the configurable device is a computer (see col. 9, lines 30-44).

Referring to Claim 71, Shaffer also teaches automatically configuring the configurable device comprises adjusting at least one of the following: a font setting, a color setting, and a window size setting (see col. 9, lines 30-44).

Referring to Claim 72, Shaffer also teaches the user input received in response to displaying a question to a user (see figs. 13E and F).

Referring to Claim 73, Amin also teaches the control circuit further causing the call forwarding configuring circuit to automatically stop forwarding calls of the first phone to the second phone while the second phone is on a call (see col. 6, lines 58-62).

Referring to Claim 74, Amin also teaches the control circuit further causes the call forwarding configuring circuit to automatically use the first phone as a cordless handset for the second phone while the first phone and the second phone are positioned in the close relation with respect to each other (see col. 4, lines 5-15).

Referring to Claim 75, Amin also teaches the control circuit causing the call forwarding configuring circuit to not configure the call forwarding service of the first phone in response to a user input (see col. 6, lines 58-62).

Referring to Claims 76, Shaffer also teaches the user input received in response to displaying a question to a user (see figs. 13E and F).

Referring to Claim 77, Amin a device configuration circuit coupled to the control circuit, the control circuit causing the device configuration circuit to detect whether or not the first phone and a configurable device are positioned in the relation with respect to each other and to automatically configure the configurable device in response to a change in whether or not the first phone and the configurable device are positioned in the close relation with respect to each other (see col. 4, lines 5-15).

Referring to Claim 78A, Shaffer also teaches the configurable device is an automobile and wherein automatically configuring the configurable device comprises adjusting at least one of a mirror position and a seat position and an other setting of a driver (see col. 9, lines 30-44).

Referring to Claim 78B, Shaffer also teaches the configurable device is a computer (see col. 9, lines 30-44).

Referring to Claim 79, Shaffer also teaches automatically configuring the configurable device comprises adjusting at least one of the following: a font setting, a color setting, and a window size setting (see col. 9, lines 30-44).

Referring to Claim 80, Amin also teaches automatically stop forwarding calls of the first phone to the second phone while the second phone is on a call (see col. 6, lines 58-62).

Referring to Claim 81, Amin also teaches automatically use the first phone as a cordless handset for the second phone while the first phone and the second phone are positioned in the close relation with respect to each other (see col. 4, lines 5-15).

Referring to Claim 82, Amin also teaches not configuring the call forwarding service of the first phone in response to a user input (see col. 6, lines 58-62).

Referring to Claims 83, Shaffer also teaches the user input received in response to displaying a question to a user (see figs. 13E and F).

Referring to Claim 84, Amin also teaches detecting whether or not the first phone and a configurable device are positioned in the close relation with respect to each other; and automatically configuring the configurable device in response to a change in whether or not the first phone and the configurable device are positioned in the close relation with respect to each other (see col. 4, lines 31-39).

Referring to Claim 85A, Shaffer also teaches the configurable device is an automobile and wherein automatically configuring the configurable device comprises adjusting at least one of a mirror position and a seat position and an other setting of a driver (see col. 9, lines 30-44).

Referring to Claim 85B, Shaffer also teaches the configurable device is a computer (see col. 9, lines 30-44).

Referring to Claim 86, Shaffer also teaches automatically configuring the configurable device comprises adjusting at least one of the following: a font setting, a color setting, and a window size setting (see col. 9, lines 30-44).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 72-86 have been considered but are moot in view of the new ground(s) of rejection.
6. Applicant's arguments filed 7/1/2008 have been fully considered but they are not persuasive.

The applicant argues that the Amin and Shaffer references teach away from each other and are not combinable. The arguments further state that the Shaffer reference teaches call forwarding based on user input preferences and that the Amin reference teaches avoiding user entry of call forwarding preferences. Combining the Amin reference to the Shaffer reference would actually further benefit the device in Shaffer because both call forwarding based on user input preferences and avoiding user entry of call forwarding preferences have benefits for different reasons and combining the two reference would give a user the option of whether or not the user wants to perform call forwarding based on user input preferences or avoiding user entry of call forwarding preferences. No arguments were made regarding whether or not the limitations of the claims are taught by the references so the examiner assumes that the Amin and Shaffer references teach every limitation in the claims.

The examiner believes that the Shaffer reference is actually benefited, not depleted from the combination with the Amin reference since the user now has even more options for call forwarding and therefore, the combination of Amin and Shaffer is proper.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUGENE YUN whose telephone number is (571)272-7860. The examiner can normally be reached on 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571)272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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